

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMIE LEE ANDREWS, as
Surviving Spouse of
MICAH LEE ANDREWS, Deceased,
And JAMIE LEE ANDREWS, as
Administrator of the Estate of
MICAH LEE ANDREWS, Deceased,

v.

MAZDA MOTOR CORPORATION,
MAZDA MOTOR OF AMERICA, INC.,
AUTOLIV, INC., AUTOLIV ASP, INC.,
AUTOLIV AB, AUTOLIV JAPAN, LTD.,
AUTOLIV SAFETY TECHNOLOGY, INC.,
AUTOLIV LLC, AUTOLIV NORTH
AMERICA, INC., ROBERT BOSCH LLC,
ROBERT BOSCH NORTH AMERICA
CORPORATION, ROBERT BOSCH
MOTOR SYSTEMS CORPORATION,
BOSCH CORPORATION, and
JOHN DOES 1-5,

Defendants.

CIVIL ACTION FILE
NO. _____

NOTICE OF REMOVAL

COME NOW Mazda Motor Corporation, Mazda Motor of America, Inc., Autoliv, Inc., Autoliv ASP, Inc., Autoliv AB, Autoliv Japan, Ltd., Autoliv Safety Technology, Inc., Autoliv LLC, Autoliv North America, Inc., Robert Bosch LLC and Robert Bosch North America Corporation (“Defendants”), and within the time

prescribed by law, file a Notice of Removal of this action from the State Court of Fulton County, State of Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support of the Notice of Removal, Defendants respectfully show to the Court the following facts:

1.

Plaintiff has filed suit against Defendants in the State Court of Fulton County, Georgia, which is within the Atlanta Division of this Court. This suit is styled as above and numbered Civil Action File No. 14EV002102F in that Court.

2.

The parties to this action are as follows:

- Plaintiff Jamie Lee Andrews, individually as surviving Spouse of Micah Andrews, Deceased, and in her capacity as Administrator of the Estate of Micah Lee Andrews. Plaintiff Jamie Lee Andrews resides at 409 Waverly Place, Woodstock, Georgia 30188 and is a citizen of the State of Georgia.
- Defendant Mazda Motor Corporation is a Japanese corporation with its principal place of business at 3-1 Shinchi, Fuchu-cho, Aki-gun, Hiroshima, Japan 730-8670.

- Defendant Mazda Motor of America, Inc. is a California corporation with its principal place of business at 7755 Irvine Center Drive, Irvine, California 92618.
- Defendant Autoliv, Inc. is a Delaware corporation with its principal place of business at Vasagatan 11, 11120, Stockholm, Sweden.
- Defendant Autoliv ASP, Inc. is an Indiana corporation with its principal place of business at 3350 Airport Road, M/S A9130, Ogden, Utah 84405.
- Defendant Autoliv AB is a Swedish corporation with its principal place of business at Vasagatan 11, 11120, Stockholm, Sweden.
- Defendant Autoliv Japan, Ltd. is a Japanese corporation with its principal place of business at 4F Innotech Bldg. 3-17-6 Shinyokohama, Kohoku-ku, Yokohama, Japan 222-8580.
- Defendant Autoliv Safety Technology, Inc. is a Delaware corporation with its principal place of business at 2475 Paseo De Las Americas, San Diego, California 92154.
- There were two (2) entities known as Autoliv LLC, both of which were organized in Delaware, USA, and have been cancelled. The

first entity was cancelled in 1996 and the second was cancelled in 1997.

- Defendant Autoliv North America, Inc. is no longer an existing entity. It dissolved in 1997.
- Defendant Robert Bosch LLC is a Delaware limited liability company with its principal place of business in Farmington Hills, Michigan.
- Defendant Robert Bosch North America Corporation is a Delaware corporation with its principal place of business in Farmington Hills, Michigan.
- Defendant Bosch Automotive Systems Corporation, incorrectly identified in the Complaint as Robert Bosch Motor Systems Corporation, was merged into Robert Bosch LLC in March 1997.
- Defendant Bosch Corporation, incorrectly identified in the Complaint as a Delaware corporation, is a Japanese corporation with its principal place of business in Tokyo, Japan.

3.

None of the Defendants in this matter are citizens of the State of Georgia for the purposes of diversity jurisdiction. None of the Defendants in this matter were

citizens of the State of Georgia on the date of filing of the aforesaid civil action and have not been thereafter.

4.

Plaintiff's Complaint seeks damages arising out of an automobile accident resulting in the death of Micah Lee Andrews, the husband of Plaintiff Jamie Lee Andrews. Plaintiff alleges strict products liability and negligence claims against all Defendants relating to the occupant restraint system, specifically the air bag system, the seatbelt system and the seat track system, in the 2005 Mazda 3 that was involved in the accident. *See* Complaint, Exhibit A. Plaintiff, as wrongful death beneficiary, seeks recovery for the full value of the life of Micah Lee Andrews, both economic and intangible. *See* Complaint, Exhibit A, ¶ 104. Plaintiff, as Administrator of the Estate of Micah Lee Andrews, seeks recovery for all elements of pain and suffering, physical and mental, medical expenses, funeral expenses, property damage and punitive damages. *See* Complaint, Exhibit A, ¶¶ 105-107. The decedent, Micah Lee Andrews, was thirty eight (38) years old at the time of the accident and was survived by his wife and minor child. On experience, information and belief, the amount in controversy therefore exceeds \$75,000, the jurisdictional minimum required by 28 U.S.C. § 1332(a).

5.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, as complete diversity exists between the parties and the amount in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs. Accordingly, this civil action is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441.

6.

Venue is proper in this District Court pursuant to 28 U.S.C. § 1441(a) because the action was originally filed in the State Court of Fulton County, State of Georgia, which lies within the United States District Court for the Northern District of Georgia, Atlanta Division. *See* 28 U.S.C. § 90(a)(2).

7.

All properly joined and served defendants consent to the removal of this action to the United States District Court for the Northern District of Georgia, Atlanta Division.

8.

Defendants show this action was instituted in the State Court of Fulton County, Georgia, on September 18, 2014. Mazda Motor of America, Inc. was served with the Summons and Complaint on September 25, 2014. Therefore, this

Notice of Removal is timely under 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days from the date of service of said suit on Mazda Motor of America, Inc.

9.

In accordance with 28 U.S.C. § 1446(a), Defendants attach hereto all copies of all process, pleadings, and orders served upon it in this case, such copies being marked "Exhibit A".

10.

Defendants will file a Notice of Filing Removal with the Clerk of Court for the State Court of Fulton County, State of Georgia, in accordance with 28 U.S.C. § 1446(d), and will attach a copy of this Notice of Removal to the Fulton County State Court pleading.

WHEREFORE, Defendants pray the case be removed to the United States District Court, Northern District of Georgia, Atlanta Division.

This 24th day of October, 2014.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Ashley W. Broach

By:

C. Bradford Marsh
Georgia Bar No.: 471280
Ashley W. Broach
Georgia Bar No. 083593

*Attorneys for Mazda Motor Corporation and
Mazda Motor of America, Inc.*

1355 Peachtree St. N.E., Suite 300
Atlanta, Georgia 30309
Tele: (404) 874-8800
Fax: (404) 888-6199
brad.marsh@swiftcurrie.com
ashley.broach@swiftcurrie.com

ALSTON & BIRD LLP

/s/ Douglas G. Scribner

By:

Douglas G. Scribner
w/express permission by AWB
Georgia Bar No.: 632755
Jenny A. Mendelsohn
Georgia Bar No.: 447183
*Attorneys for Autoliv Inc., Autoliv ASP, Inc.,
Autoliv AB, Autoliv Japan, Ltd., Autoliv
Safety Technology, Inc., Autoliv LLC, and
Autoliv North America, Inc.*

1201 West Peachtree Street
Atlanta, Georgia 30309
Tele: (404) 881-4977
Fax: (404) 253-8377

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

/s/ Michael J. Sullivan

By:

Michael J. Sullivan
w/express permission by AWB
Georgia Bar No.: 142203
Vonnetta L. Benjamin

Georgia Bar No.: 049890
*Attorneys for Robert Bosch LLC and Robert
Bosch North America Corporation*

271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017
Tele: (404) 872-7000
Fax: (404) 888-7490
msullivan@wcsr.com
vbenjamin@wcsr.com

7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that this document was prepared in Times New Roman font, 14 point, and complies with Local Rules 5.1(C) and 7.1(D), NDGa.

This 24th day of October, 2014.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Ashley W. Broach

By: _____

C. Bradford Marsh

Georgia Bar No.: 471280

Ashley W. Broach

Georgia Bar No. 083593

*Attorneys for Mazda Motor Corporation and
Mazda Motor of America, Inc.*

1355 Peachtree St. N.E., Suite 300

Atlanta, Georgia 30309

Tele: (404) 874-8800

Fax: (404) 888-6199

brad.marsh@swiftcurrie.com

ashley.broach@swiftcurrie.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day have filed a copy of the within and foregoing NOTICE OF REMOVAL with the Court through the Court's electronic filing system. I further certify that I have this day served a copy of the within and foregoing NOTICE OF REMOVAL upon all parties to this matter through the U.S. Mail as follows:

James E. Butler, Jr.
Robert D. Cheeley
Tedra C. Hobson
BUTLER WOOTEN CHEELEY & PEAK LLP
2719 Buford Highway
Atlanta, GA 30324

William L. Ballard
Gregory R. Feagle
BALLARD & FEAGLE, LLP
1180 West Peachtree Street
Suite 2250
Atlanta, GA 30309

This 24 day of October, 2014.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Ashley W. Broach

By: _____

C. Bradford Marsh
Georgia Bar No.: 471280
Ashley W. Broach
Georgia Bar No. 083593
*Attorneys for Mazda Motor Corporation and
Mazda Motor of America, Inc.*

1355 Peachtree St. N.E., Suite 300
Atlanta, Georgia 30309
Tele: (404) 874-8800
Fax: (404) 888-6199
brad.marsh@swiftcurrie.com
ashley.broach@swiftcurrie.com